

**MINUTES OF THE  
LAKE COUNTY PLANNING COMMISSION  
September 25, 2007**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Brotzman called the meeting to order at 7:00 p.m.

**ROLL CALL**

The following members were present: Messrs. Adams, Brotzman, Klco (alt. for Troy), Morse, Schaedlich, Siegel, Sines, Zondag, and Messes. Hausch and Pesec. Staff present: Messrs. Webster, Radachy, and Ms. Truesdell.

**MINUTES**

Mr. Schaedlich said that the word “determent” in the first paragraph on page 6 should be detriment.

Ms. Hausch moved and Mr. Adams seconded the motion to approve the minutes of August 28, 2007 as amended.

Eight voted “Aye”.

Mr. Siegel and Mr. Schaedlich abstained.

**FINANCIAL REPORT**

Mr. Schaedlich moved and Siegel seconded the motion to approve the Financial Report for August, 2007 as submitted.

All voted “Aye”.

**ESRI Maintenance Contract**

Mr. Webster explained that staff uses ArcInfo Primary Maintenance and ArcGIS Spatial Analyst Maintenance software. It helps the staff stay up to date with advancements in Geographical Information System technology. It is up for renewal at a total cost of \$3,964.00.

Mr. Zondag moved and Mr. Schaedlich seconded the motion to approve the purchase of ArcInfo and ArcGIS Maintenance software at a cost of \$3,964.00.

All voted “Aye”.

**PUBLIC COMMENT**

There was no public comment.

## LEGAL REPORT

Assistant Prosecutor, Eric Condon said there were no legal issues to report.

## DIRECTOR'S REPORT

### North Perry Village Resolution of Support

Mr. Webster said that North Perry Village is in the process of developing a small port, beach refinement and dockage at North Perry Park. They were one of the first communities to be on board with our Coastal Plan. At the suggestion of Mr. Harry Allen we put together a Resolution of Support for North Perry Village to recognize the support they have given the Coastal Plan Committee. As a committee of the Planning Commission, the resolution must be approved by us as well as the Coastal Plan Committee. The resolution was read by Mr. Webster.

### Resolution of Appreciation and Support of **NORTH PERRY VILLAGE**

**WHEREAS**, North Perry Village exhibited their leadership in the coastal initiative in being the first in the community to establish a planning committee to participate in the Eastern Lake County Coastal Comprehensive Plan with the Lake County Planning Commission to explore the potential and visions of its shoreline in December of 2001.

**WHEREAS**, the Village of North Perry continues to be supportive of the Lake County coastal efforts by its representative membership since the inception of the first official meeting of the CMAG Overview Committee, a.k.a. Coastal Plan Committee in January, 2003.

**WHEREAS**, North Perry Village has demonstrated its support of the coastal planning efforts at the county level by being the first to issue a community challenge donation of \$5,000.00 for a coastal feasibility study of the Lake County coastline commissioned by the Lake County Coastal Plan Committee, a committee of the Lake County Planning Commission, to JJR, Inc. completed in January, 2005 and heretofore titled the "Lake County Coastal Plan".

**NOW, THEREFORE BE IT RESOLVED**, that the Lake County Planning Commission and its Coastal Plan Committee hereby state they deeply appreciate the fact that North Perry Village has taken the leadership role to accept and implement best management practices set forth in the Coastal Development Plan at Townline Park; the forethought and planning it has taken to assure a quality coastal development is accomplished in its implementation process; and, the steps taken to ensure the community's safety and quality of life in its endeavor.

**BE IT FURTHER RESOLVED**, that this resolution signifies the Lake County Planning Commission and the Lake County Coastal Plan Committee members' appreciation of the Village's efforts, support and leadership in coastal development planning.

**PRESENTED** to Mayor Michael Zinn and the Council of North Perry Village, on this 26<sup>th</sup> day of September 2007.

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Timothy C. Brotzman, Chairman  
Lake County Planning Commission

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Darrell C. Webster, Director  
Lake County Planning Commission

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Harry L. Allen, Jr., Chairman  
Lake County Coastal Plan Committee

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Jason W. Boyd, Senior Planner  
Lake County Planning Commission

Ms. Hausch moved and Mr. Siegel seconded the motion to approve the North Perry Village Resolution of Support.

All voted "Aye".

#### ANNOUNCEMENTS

Mr. Webster said that Madison Village has been sent the draft of their comprehensive plan for review. The Madison Township Comprehensive Plan will be finalized by mid-October. The North Perry Village Plan will be finished by the end of October and we will be meeting with the committee on October 8<sup>th</sup>. A final document will be available for review at the October meeting.

Preparation for the 2010 Census has begun with meetings aimed at updating addresses. Staff will assist any community that needs help with LUCA or Local Updating of Census Addresses.

Mr. Webster announced upcoming meetings.

- September 27: Conference on Zoning for an Aging Population, Medina
- September 29: Housing Choices Carnival, Harvey High School, Painesville
- October 2: EPA Public Hearing at Mentor Library on the environmental impact on a 12.3 acre development near Diamond Center in Mentor
- October 8 and October 22: Management Lecture Series, Lakeland Community College
- October 17: Lake County Council on Aging 35<sup>th</sup> Anniversary Open House
- October 17: LCDC Economic Forum and Breakfast at Holiday Inn LaMalfa
- October 25: Soil and Water Conservation District 61<sup>st</sup> Annual Meeting at Dino's Banquet Center in Mentor
- November 1: Ohio Preserved Farmland Summit, Reynoldsburg, Ohio
- November 9: Ohio Planning Conference Planning & Zoning Workshop, Westlake
- November 14: RC & D Training Seminar, Reynoldsburg

Mr. Radachy invited all Planning Commission members to a series of audio conferences that the Ohio Planning Conference will offer with the first one being October 3, 2007. The Ashtabula, Geauga, Lake and Trumbull County Zoning Committee is sponsoring four sessions. The topics are "Staying out of Court by Avoiding Pitfalls", "Controlling NIMBYS (Not in My Back Yard)", "Design Guidelines for Small Towns and Rural Communities", and "Planning Law Review". They will be held from 4:00 to 5:30 p.m. with locations to be determined. Most of the sessions will be free.

Mr. Webster called attention to the fact that it was difficult to meet the minimum number of members required for a quorum at last month's meeting. He requested that members ask alternates to be more available.

Mr. Brotzman asked if anyone was interested in attending any of the above mentioned meetings. No motion was needed.

## SUBDIVISION REVIEW

### Subdivision Activity Report

Mr. Radachy said that there was no subdivision activity to report.

## LAND USE AND ZONING REVIEW

### Perry Township – Proposed Text Amendments to Add Section 318 and Amend Sections 316 and 310

Mr. Radachy said that this case was held over from the August Planning Commission meeting and the recommendations are from the August Land Use and Zoning meeting. He explained that this amendment creates an Overlay Zone on top of an I-2 District. The request is to create a continuing care facility with single family homes, assisted living facilities and nursing care. He stated that Breckenridge Village is a similar example of this in Lake County. The area in which the overlay would be located is an I-2 Industrial Use District. I-2 does not allow residential use. Land Use & Zoning made the following recommendations:

1. Place the Overlay Zone in R, ER or B district.
2. Remove Child Day Care as an accessory use.
3. Allow small signs similar to what is allowed for home businesses for all uses.
4. Require a 40-foot buffer from non-residential uses to these facilities.
5. Move 318.02 (D), (E) & (F) to 318.05 Development Standards.
6. Refer to the overlay district as Continuing Care Overlay District (CCOD) once and as CCOD the rest of the way through the text.
7. Move parking requirements to Section 408, Parking.
8. Add some type of notice of when a plan is to be discussed by the zoning commission or trustees to the adjacent property owners. A simple post card would take care of the issue.
9. The Trustees should consider reviewing the I-2 District in the future to determine if the land is still feasible for as an I-2 zone.

Mr. Radachy said that last month, the Planning Commission did not make a recommendation because they had more questions. Staff sent a letter to Perry Township outlining their concerns and the Township responded. He pointed out the current JEDD and said that state law 715.73B says they could still have this overlay district in the I-2, partially outside the JEDD. This is up to legal interpretation.

Mr. Webster said that an overlay zone allows a community to make provisions for a particular land use through an overlay and designate its location at a later date. This is a legitimate means of zoning.

Mr. Radachy said that LUZ thought this was a good use of the land and encourages people who are currently living in Perry to stay in Perry as they get older.

Ms. Pesecc said that once an overlay zone is approved, the text is in place. Then an applicant can have it approved.

Mr. Radachy said this is a PUD overlay district. There are three types.

Ms. Pesec said the advantages for a district change would be that each parcel, or project, could be looked at by the Township and the citizens. By going to referendum, the citizens could have the ultimate say and, if the Township feels it cannot say no, by allowing the citizens to vote no, you are giving an out to the township as well as control to the citizens.

Mr. Siegel said when they have projects like this, they have meetings with the residents to get their input.

Ms. Pesec said it is important to put zoning in place for perpetuity. She was asking to put in the zoning text a referendum for certain issues.

Mr. Adams asked if Perry planned on more overlay districts.

Mr. Siegel said if this project comes to fruition, there will be a lot of public meetings. He said that this would be a great spot to put an overlay zone because there is a park to protect and homes. There is very little chance that any industry would move into the area. It is close to the Senior Center and Lake Erie.

Mr. Brotzman said that Mr. Siegel's point was that there will be public input, and then when it goes to the trustees when the actual project is proposed, it starts over again. Ms. Pesec's point was that statutorily, it does not have to be done that way. Is there some protection that can be provided to the community? Is there public input that is required, and not sought?

Mr. Siegel said, no, it is not required.

Mr. Brotzman said that is the point of the overlay discussion. Should it be required?

Mr. Siegel said that was one of the comments from this Board that will definitely be looked at.

Ms. Pesec said that we are looking at the zoning text and making our recommendations. By putting the notification process in there now, it will be there for the future.

Mr. Condon pointed out that the trustees are elected to do that and cannot have a hearing on everything.

Mr. Siegel said they are reconsidering the appropriateness of having an I-2 Industrial District in that location.

Mr. Radachy explained how parcels can move in and out of the Joint Economic Development District (JEDD). This is determined by the Board of the JEDD.

Mr. Siegel said the recommendations made by staff will be taken under advisement including the recommendation of a 40-foot buffer.

Mr. Webster said this is a PUD development that can be done three ways: overlay, actual district, or conditional use. We can make recommendations to Perry Township to consider requiring a buffer around the perimeter of the project. He said that the builder will have to comply with laws pertaining to disabilities and fair housing.

Mr. Condon reminded everyone that a motion is needed with a group consensus.

Mr. Radachy said these are the original recommendations made by Land Use and Zoning Committee.

Mr. Schaedlich thought that we should leave all recommendations in place. These are only recommendations.

Mr. Radachy said that Land Use and Zoning recommended that some sort of notice be sent to adjacent property owners.

Mr. Sines moved to accept the 8 (eight) recommendations of Land Use and Zoning. Ms. Hausch seconded the motion.

Mr. Zondag was concerned that the I-2 be changed so that there is no chance that industrial use will come in behind this.

Mr. Sines said that will follow.

Mr. Webster said additional recommendations should be made in the form of an amendment at this point.

Mr. Brotzman asked if there were any additional recommendations from anyone based on the questions and answers submitted.

Mr. Sines said that the Board of Trustees will make decisions about zoning in this area.

Mr. Webster said that we can recommend to the Township that at some future time they consider a change of zoning in the surrounding I-2 District.

Mr. Sines said he has no knowledge of this project; he just heard about it. He said that Mr. Zondag was recommending that the Trustees change other industrial areas.

Mr. Radachy said it might be a good idea to recommend a review of I-2 districts to see if the I-2 is still feasible in this area.

Mr. Zondag said he amended the motion to recommend to add a review of the I-2 District in the future. Ms. Pesecc seconded the amended motion.

Mr. Brotzman said there was a motion and a second to amend the original motion to recommend a review of I-2 districts in the future.

All voted "Aye."

Ms. Pesec addressed the application and approval process saying that it should be similar to the way a PUD works and the rules should be there to protect the citizens. She said the zoning commission should actually approve it.

Mr. Radachy said that in cases where there is no recommendation, the public hearing is not closed and is continued. He quoted from the Ohio Revised Code Section 519 saying, that within 20 days of an accepted application, a public hearing is set. After the public hearing, a recommendation must be made within 20 days.

Ms. Pesec moved to recommend that the township follow standard procedures as set in ORC Section 519.

Mr. Radachy said standard time limits are set in the ORC 519.

Mr. Schaedlich seconded the motion.

Mr. Brotzman said there is a motion and a second to amend the original recommendation.

Mr. Webster asked for a roll call.

Adams	No	Schaedlich	Yes
Hausch	No	Siegel	No
Klco	Yes	Sines	No
Morse	No	Zondag	Yes
Pesec	Yes	Brotzman	Yes

Motion failed.

Ms. Pesec continued by referring to page 11, E, first sentence, in the zoning text quoting text saying, "Final site plan development should be based on a previously approved development plan." She thought the language should be much more specific. "Final site development plan shall conform to a previously approved general development plan," would be better language.

Mr. Schaedlich said physical conditions and marketing conditions change. We have no idea what we will be looking at 10 to 15 years down the road.

Ms. Pesec said because the zoning inspector has to act within 30 days, all public comment time has been cut out.

Mr. Webster pointed out that is how the PUD exists in Concord, the zoning inspector has the freedom to approve minor changes. If there were more than minor changes, then it goes back to the zoning commission and trustees.

Ms. Pesec said that was after final site review. She recommended it go through the same process the Trustees would go through and not be time limited.

Mr. Brotzman asked if she could summarize her suggestions into one recommendation.

Ms. Pesec moved to recommend that the trustees shall review and act upon each final site development plan.

Mr. Sines seconded the motion.

All voted "Aye."

Mr. Brotzman said the motion has carried to amend the motion. He asked if there was any other additional discussion to yield a recommendation to add to this?

Ms. Pesec moved to page 2 of 2 under Section 318.3A & B, Permitted Uses, Accessory Uses in the proposed text. The section supporting retail needs to be better defined. In terms of the accessory uses or retail uses, it needs to be better defined. (Number 9 on page 3 of 3)

Mr. Sines said he thought she did that in her last amendment.

Ms. Pesec thought there should be a more specific definition of who is allowed to use it. She wanted clarification on retail uses.

Mr. Adams pointed out that the more narrowly you define something the more narrowly you restrict uses.

Ms. Pesec said you want to make sure you are protecting the township.

Mr. Schaedlich said there will be a review of the site plan.

Mr. Sines said you do not want to narrowly define what this project could be.

Mr. Brotzman said he would support a recommendation that says that in the review process, location of accessory facilities should reflect the intended use.

Mr. Condon pointed out that we should assume the township would do what is in their own best interest. Unless it is wrong, he did not believe it was necessary to go through the zoning text line by line.

Mr. Sines said unless you want to specifically exempt something out, why would you be restrictive in any language?

Mr. Zondag said that not knowing what is proposed and not knowing what the development will be like ten years from now makes it difficult for the government to make a choice.

Ms. Pesec made a motion to recommend that this be moved from an overlay district to a PUD District change so that each one is looked at independently.



Mr. Sines said that will stop the project because you do not know what you will have in the first phase, you do not know what you will have in the second phase, and you do not know how attitudes will change as far as care and living space for ages 55 and over. This is creating hurdle after hurdle.

Ms. Pesec said she sees no difference in the process.

Mr. Condon said the Township had three choices and they chose one.

Mr. Sines reminded everyone that a developer will do whatever is easiest to build the development.

Discussion ensued concerning the use of overlay zoning as opposed to any other choice.

Mr. Siegel said they have been working on this for a year and a half with the developer and the zoning board. His zoning board and trustees are in agreement. If they were to stop this project and reconsider zoning changes, it would be detrimental to the project.

Mr. Sines said we must be flexible and be able to meet the needs of the developers who want to come into Lake County and do so in a timely fashion.

Ms. Pesec reminded everyone that the zoning text needs to protect the Township.

Mr. Siegel said they did not do anything different with this zoning change than with any other zoning change.

Mr. Brotzman asked if he could have a second to the motion to recommend changing the Overlay District to a Planed Unit Development District.

There was no second to the motion. Mr. Brotzman declared the motion failed for lack of a second.

Mr. Brotzman said they have given the Trustees the final approval process.

Mr. Brotzman referred to the first motion as amended and called for a vote.

All voted "Aye."

## REPORTS OF SPECIAL COMMITTEES

### Subdivision Regulations/Wetlands Committee Report

Mr. Brotzman said that a committee made up of himself, Ms. Pesec, Mr. Franz, Mr. Webster, Mr. Radachy, and the Soil & Water Conservation District met twice and made a recommendation.

Mr. Radachy read the proposed policy:

“The committee met and decided the best course of action would be to change the definition of who can perform a delineation of wetlands and to change the reference to a generalized standard from the current specific.

The committee also suggested that regulations be changed to require that permits be applied for and that the wetlands be affirmed prior to the submission of the improvement plans. The regulations should also require proof that this has taken place when the improvement plans are filed.

The committee is also recommending that the regulations correctly reference the County Commissioners or their assignee in regards to the erosion and sedimentation control rules as opposed to the County Engineer, who is currently referenced. The committee is also recommending a wetlands setback be added to the regulations.”

Mr. Radachy said this is a report and the changes must be made through the subdivision regulations. The report will be included in next month’s mailout.

Mr. Schaedlich moved to approve the language proposed by the Wetlands Committee. Mr. Siegel seconded the motion.

All voted “Aye.”

#### CORRESPONDENCE

There was no correspondence to report.

#### OLD BUSINESS

##### Resolution of Policy

Mr. Webster said that a policy enabling staff to enter into small contracts with other municipalities would enable them to help municipalities in a timely manner. This policy will limit contracts to \$2,500.00. Contracts of more than \$2,500.00 will be presented to the Planning Commission for consideration.

#### LAKE COUNTY PLANNING COMMISSION RESOLUTION OF POLICY SEPTEMBER 25, 2007

RESOLUTION OF POLICY requesting that the Director be given authority to sign contracts with local units of government for planning services not to exceed **\$2,500** per contract, subject to final notification to the Lake County Planning Commission at their next regular meeting.

WHEREAS, the Lake County Planning Commission, is a contracting authority and pursuant to ORC 713. 23 (B) (4) can contract with local units of government and viable community or non-profit organizations for technical services;

WHEREAS, there is a need to expedite contractual agreements with local units of government and viable community or non-profit organizations to respond promptly to requests for assistance;

NOW, THEREFORE, BE IT RESOLVED that the Lake County Planning Commission hereby authorizes the Director to sign contractual agreements with local units of government and viable community or non-profit organizations for planning services which include comprehensive planning; zoning code review; demographic analysis; grant application assistance; mapping services; land use, condition and utilization surveys; historic preservation studies; site planning and impact analysis; market analysis and revitalization studies; park and recreation planning; and parking and traffic studies, for amounts not to exceed **\$2,500** per contract.

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Timothy C. Brotzman, Chairman

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Darrell C. Webster, Director/Secretary

Mr. Sines moved and Mr. Schaedlich seconded the motion to approve the Resolution of Policy requesting that the Director be given authority to sign contracts with local units of government for planning services not to exceed \$2,500.00 per contract.

All voted "Aye."

## NEW BUSINESS

### The Initiative

Mr. Webster distributed a copy of the Planning Commission newsletter put together by staff. Planning Commission members seemed pleased with the newsletter.

Mr. Schaedlich moved and Ms. Hausch seconded the motion to approve distribution of Summer, 2007, Issue 1, *The Initiative*.

All voted "Aye."

Mr. Zondag talked about the use of traffic circles in traffic pattern development pointing out possible uses at five-points in Leroy, Route 44/Auburn Road in Concord, and Green Road/Route 20 in Madison. There is less chance of accidents and less stop lights. This group should propose that planners consider the use of traffic circles in future developments. He asked if Mr. Radachy could explain the concept and see how it fits into future planning at the next meeting

## EXECUTIVE SESSION

At 9:15, Mr. Brotzman asked for a short Executive Session. Staff left the meeting.

## ADJOURNMENT

Mr. Siegel moved and Mr. Zondag seconded the motion to adjourn the meeting.

The meeting adjourned at 9:48 p.m.